
C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
FEBRUARY 15, 1989

SUBJECT: ADOPT ~~ORDINANCES~~ MAKING PROVISION FOR RATE ~~REDUCTION~~ IN WATER, SEWER AND
REFUSE TO CERTAIN LOW INCOME PERSONS; ~~SETTING~~ WATER RATES BY ORDINANCE RATHER
THAN RESOLUTION; AND ADOPT BY URGENCY ~~UNCODIFIED ORDINANCE~~ RATES FOR WATER
SERVICE ~~PREVIOUSLY ESTABLISHED~~ BY RESOLUTION.

PREPARED BY: City Attorney

- RECOMMENDED ACTION:
1. Introduce Ord. 1445, establishing a 10% rate adjustment on water, sewer, and refuse collection rates for certain low income persons.
 - ➔ 2. Introduce Ord. 1446, requiring that water rates be set by ordinance rather than ~~by~~ resolution.
 3. introduce Ord. 1448, an urgency cncodified ordinance adopting by reference, %hoserates and charges for water service established in Resolution 89-02.

BACKGKOUND INFORMATION: In response to concerns expressed by members of the public in connection with a recent adjustment of water rates, the Council has directed that an ordinance be prepared for consideration, making provision for a rate reduction for certain low income persons. After investigation and ~~much~~ discussion, it was determined that it would be impractical to try to draft a measure which would apply to all persons in low income status irrespective of age. The attached draft is directed only to those persons identified as "low income" by the Social Security Administration, based on the criteria for eligibility for Supplemental Security Income (SSI), or State benefits under the State Supplemental Payment (SSP) program.

In lieu of trying to modify the three separate statutes setting rates for water, sewer, and refuse collection, the Council recommendation that it all be done with a single ordinance proved most workable. The ordinance attached will add a section to Chapter 13.04 of the Lodi Municipal Code, in effect applying a 10% rate adjustment, exclusive of surcharges, to the bills of all eligible low income persons. This avoids the necessity of modifying three separate rate schedules each time fees or rates are adjusted.

In preparing this ordinance, however, another problem was discovered. Recent State legislation has modified Health and Safety Code §5471 which previously required that sewage and solid waste disposal rates be set **by** ordinance as opposed to resolution. Now included in that section is rate setting for water systems, which now must also be adopted **by** ordinance. In fact, Lodi Municipal Code §13.08.010 specifies that water rates shall be adopted or established by "resolution" of the Council. Based on the recent change in State law, it is now necessary that this portion of the Municipal Code be amended to reflect the change.

Therefore, an ordinance is attached hereto amending this part of the Municipal Code to require adoption of water rates by uncodified ordinance, rather than resolution. This ordinance is proposed for adoption as an urgency measure, based on health, safety, or welfare considerations, so that the City may comply with State law.

In summary, the ordinances attached accomplish three things:

- First, *it* offers a 10% reduction in rates for water, sewer, and refuse collection services to those persons otherwise eligible for SSI or SSP.
- Second, it brings the City **into** compliance with State law by providing that our water rates be set *via* ordinance rather than resolution, and
- Third, *it* adopts **by** reference in an urgency uncodified ordinance, those water rates previously established **by** resolution.

Respectfully submitted,



BOB McNATT
City Attorney

BM:vc

CCUTILIT/TXTA.01V

ORDINANCE NO. 1446

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE §13.08.010 TO REQUIRE
ADOPTION OF RATES FOR WATER SERVICE BY ORDINANCE
IN LIEU OF RESOLUTION

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code §13.08.010 is hereby repealed and reenacted as follows:

SECTION 2.

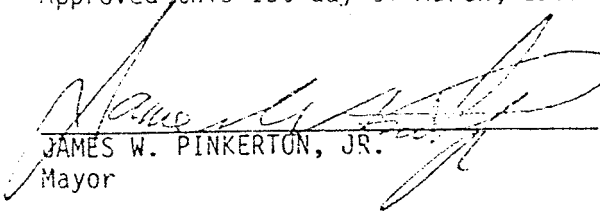
13.08.010 Setting of rates.

The schedule of water rates for the City shall be as established by uncodified ordinance of the City Council, adopted from time to time.

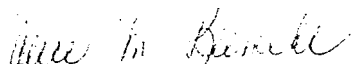
~~SECTION 3.~~ All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 1st day of March, 1989


JAMES W. PINKERTON, JR.
Mayor

Attest:


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1446 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 1989 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 1, 1989 by the following vote:

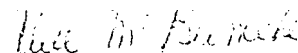
Ryes : Council Members - Hinchman, Oison, Reid, and
Pinkerton (Mayor)

Noes : Council Members - None

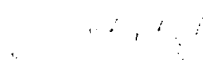
Absent: Council Members - Snider

Abstain: Council Members - None

I further certify that Ordinance No. 1446 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form


BOBBY W. McNATT
City Attorney